

Prior law provided that DSS shall be authorized to obtain, through an interagency agreement with DHH, health insurance enrollment data currently being provided in accordance with federal and state law, except for certain types of insurance.

New law authorizes DSS to obtain health insurance enrollment data currently being provided in accordance with federal law and state law through data sharing agreements between DSS and certain health insurers, or through an interagency agreement with DHH, at the discretion of DSS, and maintains the exception for certain types of insurance.

Prior law provided that in any action for unauthorized disclosure, upon a finding of liability on the part of the defendant, he shall be liable to the individual in an amount equal to the greater of \$1000 for each act of unauthorized disclosure or the actual damages sustained by the individual. Prior law provided that in the case of a willful disclosure or a disclosure which is the result of gross negligence, the defendant shall be liable for punitive damages and all costs and attorney fees. New law retains prior law.

New law requires as a condition of conducting business in La., that health insurers, defined as any insurance company or other entity who is authorized to transact and is currently transacting health insurance business in this state, including self-insured plans, group health plans, service benefit plans, managed care organizations, pharmacy benefit managers, third party administrators and any other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, permit and participate in data matching with DSS to assist in determining the availability of other sources of health care insurance or coverage for beneficiaries of the child support program.

New law specifically requires health insurers that are not providing data through the Department of Health and Hospitals to provide to DSS or its designee, no less than quarterly, an electronic listing of all individuals who may be covered by a health insurer and the nature of coverage that is provided, for purposes of identifying coverage and enforcing medical child support orders administered by the department.

New law provides for notice of payment when a court orders income to be withheld and orders the income to be paid to the state disbursement unit within DSS.

Prior law provided for a state case registry of child support orders. New law retains prior law and further provides for the redirection of payments when DSS issues a notice to the obligor, obligee, and employer that income withheld for child support shall be paid to the state disbursement unit. A copy of the notice will be filed with the court of continuing jurisdiction and the clerk of court will file it in the appropriate case file. The notice will include all of the following:

1. The name of the child and the name of the obligee.
2. The caption and docket number of the case in which support is ordered.
3. Instructions for the payment of support to the state disbursement unit.

The notice may be used by DSS to redirect child support payments from the state disbursement unit of this state to the state disbursement unit of another state.

New law requires the state disbursement unit to distribute the payment to DSS or the obligee no later than the second business day after the date the state disbursement unit receives a child support payment.

New law requires the state disbursement unit to daily deposit all child support payments received in a trust fund with the state treasurer and the unit may issue checks from the trust fund in agreement with the state treasurer.

New law provides that the official child support payment record previously maintained by an obligee is the official record of a payment received directly by the obligee and the record of child support payments maintained by the state disbursement unit is the official record of a payment received directly by the unit.

New law authorizes an obligee to combine his records and a record of payments furnished by the unit to present a complete payment record to the court, upon the redirection of child support payments from an obligee to the state disbursement unit.

New law provides that if the obligee does not add payments received by the state disbursement unit to the record maintained by the registry, the official record of child support payments shall consist of the record previously maintained by the obligee for payments received directly by the obligee and the record maintained by the state disbursement unit for payments received directly by the unit.

New law requires that a certified child support payment record produced by the state disbursement unit be admissible as self-authenticating and is prima facie proof of such payment.

New law requires the state disbursement unit, upon request, to provide to an obligor or obligee a copy of the record of child support payments maintained by the unit and further requires the record to include the amounts and dates of all payments received from or on behalf of the obligor and disbursed to the obligee.

New law authorizes an obligor or obligee to request that DSS investigate any alleged discrepancy between the child support payment record provided by the unit and the payment records maintained by the requestor and requires the obligor or obligee to provide documentation of any alleged discrepancy.

New law requires DSS to respond to a request regarding a discrepancy no later than 20 days after receipt and if after an investigation it is determined that the child support payment record maintained by the unit is not accurate, the record will be amended and the requestor notified.

Effective August 15, 2009.

(Amends R.S. 46:236.1.11(A); adds R.S. 46:236.11.1 through 236.11.4)